

AGN. NO. _____

MOTION BY SUPERVISORS ZEV YAROSLAVSKY AND
GLORIA MOLINA

NOVEMBER 12, 2008

On Tuesday, November 4, 2008 the California electorate approved Proposition 8 by a vote of 52.5% to 47.5%. Proposition 8 eliminates the right of same-sex couples to marry, in effect overturning the California Supreme Court decision of May, 2008 which found the ban on same-sex marriages to be unconstitutional.

On Wednesday, November 5, 2008 three lawsuits were filed in the California Supreme Court seeking a writ of mandate ordering the State to refrain from enforcing Proposition 8 pending a determination by the Supreme Court of the constitutionality of the ballot measure. One of these lawsuits was filed by a group of government agencies which, like Los Angeles County, are responsible for the issuance of marriage licenses and thus face the dilemma of balancing enforcement of Proposition 8 with upholding the equal-protection rights of all citizens. All of these lawsuits seek to overturn Proposition 8 on the grounds that equal protection is such a foundational principle of the California Constitution that the right of the electorate to pass an initiative constitutional amendment does not include the right to overturn, by simple majority vote, a principle as fundamental as equal rights for all.

MOTION

MOLINA	_____
YAROSLAVSKY	_____
KNABE	_____
ANTONOVICH	_____
BURKE	_____

WE, THEREFORE, MOVE that the Board instruct County Counsel to immediately file a lawsuit, or join in an existing lawsuit, as appropriate, that will seek to uphold the equal rights of all California residents by challenging the constitutionality of Proposition 8.

ABK: Prop 8 lawsuit (2)